

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FREEDOM FROM RELIGION FOUNDATION, INC,

Plaintiff,

v.

Case No.: 08-cv-1105

MANITOWOC COUNTY, WISCONSIN
BOB ZIEGLEBAUER, Manitowoc County Executive,
And JEFFREY BEYER, Manitowoc County
Public Works Director,

Defendants.

NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

Manitowoc County, Bob Zieglebauer and Jeffery Beyer, by their attorneys, Crivello Carlson, s.c., respectfully move this Court, the Honorable William C. Griesbach presiding, for an Order, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56, granting Defendants' Motion for Summary Judgment and dismissing Plaintiff's claims on their merits and with prejudice.

The grounds for this motion include that the Complaint fails to state a claim against the Defendants due to lack of standing, mootness and because the alleged display of a Nativity scene on the Courthouse lawn under the circumstances of this case does not violate the Establishment Clause.

This Motion is based upon the pleadings and proceedings herein, the attached Brief in Support, and the Affidavits of Bob Zieglebauer, Jeffery Beyer and Remzy Bitar.

Through this motion, Manitowoc County, Bob Zieglebauer and Jeffery Beyer also seek the costs and disbursements of this motion and this action.

Dated this 1st day of October, 2009.

CRIVELLO CARLSON, S.C.

Attorneys for Manitowoc County, Bob Zieglebauer and
Jeffery Beyer

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